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12. (Thrice amended.) A method of enabling an electronic device to be programmed, the device having a timepiece with a dial face that comprises a display monitor for providing a graphical representation of a scheduled activity associated with a time of day segment displayed on the dial face, the method comprising communicating data to the device for control of the representation.

13. (Thrice amended.) A software application for rendering a dial face of a timepiece on a display monitor, the application being capable of rendering a graphical representation of a scheduled activity on the dial face, a location of the representation on the dial face corresponding to a time slot for a time of day associated with the scheduled activity.

#### REMARKS

Claims 1-13 are pending in the application and have been rejected in view of newly applied art. (Applicant understands that in view of the amendments and remarks in the prior Office action, the rejections based on the references cited in the first Office action have been traversed.) Claims 1, 3, 12, and 13 are amended and entry is requested. Applicant requests reconsideration of the new rejections in view of the amendments and arguments contained herein.

#### **REJECTION OF CLAIM 3 UNDER 35 USC § 112**

Applicant has amended the claim to delete "type of" in accordance with the Examiner's suggestion. The claim also has been amended to recite that different scheduled activities can

have different graphical attributes, in accordance with the teachings on page 4 of the Specification.

**REJECTION OF CLAIMS 1, 5, 8 UNDER 35 U.S.C § 102**

Claims 1, 5, 8 have been rejected on grounds that they are anticipated by Hepp et al., US Patent No. 6,449,219. Applicant has carefully studied the cited Hepp et al. reference and respectfully submits that it is readily distinguishable from the claimed invention, particularly in view of the clarifying amendments made to the claims. As amended claim 1 reads in pertinent part:

“[A] graphical representation of a scheduled activity associated with [relative to] a time of day segment displayed on the dial face [monitor], the method comprising communicating data to the device for control of the representation.”

(Independent claim 12 has been similarly amended.)

Hepp et al. is not directed to a system for scheduling of activities in relation to the time of day displayed on a dial face. Instead Hepp et al. is directed to a timepiece having symbols representing the course of a season. The seasonal symbols inform a user of the seasonal period and are not disclosed to be interrelated with clock times. The specific grounds for rejection are addressed in the following sections.

**HEPP ET AL. DOES NOT TEACH OR SUGGEST A GRAPHICAL REPRESENTATION OF A SCHEDULED ACTIVITY ASSOCIATED WITH A TIME OF DAY SEGMENT**

The Examiner considers that character 15 in Hepp et al. is a graphical representation of a scheduled activity. Hepp et al. states that character 15 “can take on several tasks, e.g., to

remind of jobs to be done or to present the illustrated information or to elaborate on it." (Col. 5, lines 25-31.) Apparently, the Examiner considers the wording "to remind of jobs to be done" to indicate this function. However, there certainly is no teaching or suggestion in Hepp et al. that any reminder of jobs to be done has any association with a time of day segment displayed on the clock 14.

Detailed information about character 15 is found in column 8 of Hepp et al. There we learn that character 15 is "Joe", a "comic character". Joe is optional and may give weather forecasts, bet with users about the weather, provide animated entertainment, and escort users through different pages of the device etc. However, there is no role for Joe as a graphical representation of a scheduled activity associated with a time of day segment. On the contrary, from the overall teachings of the Hepp et al., one would understand, that Joe's appearance with gardening implements merely represents the season of gardening, not a scheduled activity associated with a time of day segment. From this one can reasonably assume that Joe's appearance with gardening tools is a reminder for the gardening season. This is quite different from a "time of day" scheduled reminder, and it does not correlate with any particular time of day. Because there is no clear teaching or suggestion of using character 15 to represent any scheduled activity in relation to a time of day segment, claims 1, 5, and 8 should be allowed for this reason alone.

**HEPP ET AL. DOES NOT TEACH OR SUGGEST A TIME OF DAY SEGMENT ON A DIAL FACE**

Clock 14 cited in the rejection does not have a dial face as claimed. It shows instantaneous, numerical time, not a time segment as claimed. Because there is no clear

teaching or suggestion of using Joe in association with a time segment displayed on the dial face of a timepiece, claims 1, 5, and 8 should be allowed for this reason alone.

**THE REJECTIONS OF CLAIMS 2-4, 6-7, 9-13 UNDER 35 U.S.C § 103 ARE TRAVERSED IN VIEW OF THE DEFICIENCIES IN HEPP ET AL.**

The rejections under § 103 rely on Hepp et al. as a primary reference. As discussed above, Hepp et al. does not teach or suggest (1) using Joe to represent any scheduled activity in relation to the dial face of a timepiece or (2) using Joe in association with a time segment displayed on the dial face of a timepiece. Accordingly, a prima facie case of obviousness has not been made, and claims 2-4, 6-7, 9-13 should be allowed.


(In view of the substantial reasons for distinguishing over the Hepp et al. reference, Applicant has not stated all possible grounds for traversing the rejection. Applicant reserves the right to argue other distinctions relating to the primary and secondary cited references, including that there is no teaching or suggestion for their combination.)

**CONCLUSION**

Applicant submits that in view of the foregoing remarks and/or amendments, all claims in the application are in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: May 1, 2003



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: May 1, 2003

Yevgeniy Eugene Shteyn, et al.

Examiner: Michael L. Lindinger

Serial No.: 09/900,375

Art Unit: 2841

Filed: July 5, 2001

Attorney Docket No.: US018098

For: DIAL FACE OF WATCH GRAPHICALLY REPRESENTS  
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
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OFFICE TO EXAMINER MICHAEL LINDINGER AT  
FACSIMILE NUMBER 703-746-7318 ON THE DATE  
INDICATED BELOW.

Box RESPONSE - NO FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

  
Jessica A. Harvey  
Date of Deposit: May 1, 2003

**AMENDMENT & RESPONSE TO OFFICE ACTION DATED FEBRUARY 13, 2003**  
**Marked-up Claims**

In the Claims:

1. (Thrice amended.) An electronic device with a timepiece having a dial face that comprises a display monitor for providing a graphical representation of a scheduled activity associated with ~~relative to~~ a time of day segment displayed on the dial face.  
~~monitor.~~
3. (Twice amended.) The device of claim 2, wherein the segment has a graphical attribute associated with ~~a type of~~ the scheduled activity, the device being capable of associating a different graphical attribute with a different scheduled activity.
12. (Thrice amended.) A method of enabling an electronic device to be programmed, the device having a timepiece with a dial face that comprises a display monitor for providing a graphical representation of a scheduled activity associated with ~~relative to~~ a time of day

segment displayed on the dial face monitor, the method comprising communicating data to the device for control of the representation.

13. (Thrice amended.) A software application for rendering a dial face of a timepiece on a display monitor, the application being capable of rendering a graphical representation of a scheduled activity on the dial face, a location of the representation on the dial face corresponding to a time slot for a time of day associated with the scheduled activity.